

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 18-13947
Stacy A McCauley Cooney	:	Chapter 13
	:	Judge Magdeline D. Coleman
Debtor(s)	:	*****
	:	
Nationstar Mortgage LLC d/b/a Mr. Cooper	:	Date and Time of Hearing
	:	Place of Hearing
Movant,	:	March 26, 2020 at 11:00 a.m.
vs	:	
	:	_____
Stacy A McCauley Cooney	:	U.S. Bankruptcy Court
	:	900 Market Street, Courtroom #2
	:	Philadelphia, PA, 19107
William C. Miller, Esq.	:	
Respondents.		

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT NATIONSTAR
MORTGAGE LLC D/B/A MR. COOPER TO FORECLOSE ON 313 BEECHTREE DR,
BROOMALL, PA 19008**

Nationstar Mortgage LLC d/b/a Mr. Cooper (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. Stacy A McCauley Cooney ("Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on June 13, 2018, ("Petition").

5. Stacy McCauley is currently obligated to Nationstar Mortgage LLC d/b/a Mr. Cooper, under the terms of a certain Interest Only Adjustable Rate Note, dated October 28, 2005, in the original principal amount of \$372,000.00 executed by Stacy McCauley (hereinafter "Note").

6. As security for repayment of the Note, Stacy McCauley executed a certain Mortgage, dated of even date and of even amount, currently in favor of Nationstar Mortgage LLC d/b/a Mr. Cooper, with respect to certain real property owned by the Debtor located at 313 Beechtree Dr, Broomall, PA 19008 (hereinafter "Mortgaged Premises") and being recorded in Delaware County Recordings Office at Instrument Number 2005110681 on November 16, 2005 in the Office of the Recorder of Deeds in and for Delaware County, Pennsylvania ("Mortgage").

7. The loan was modified per the terms of the Loan Modification Agreement attached here as Exhibit A.

8. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

9. Debtor has failed to make post-petition mortgage payments for the past 2 months, as of January 28, 2020.

10. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

11. The total loan balance and the amount past due to Nationstar Mortgage LLC d/b/a Mr. Cooper in post-petition arrearages less suspense are \$476,838.74 and \$3,786.96, respectively, as of January 28, 2020.

12. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of Nationstar Mortgage LLC d/b/a Mr. Cooper in the Mortgaged Premises, pursuant to Section 362(d)(1).

WHEREFORE, Nationstar Mortgage LLC d/b/a Mr. Cooper respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of Nationstar Mortgage LLC d/b/a Mr. Cooper in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

Telephone: 614-220-5611

Fax: 614-627-8181

Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit Nationstar Mortgage LLC d/b/a Mr. Cooper to foreclose on 313 Beechtree Dr, Broomall, PA 19008 was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

William C. Miller, Esq., Chapter 13 Trustee, Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105

Brad J. Sadek, Attorney for Stacy A McCauley Cooney, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on February 28, 2020:

Stacy A McCauley Cooney, 313 BeechTree Drive, Broomall, PA 19008

Stacy McCauley, 313 Beechtree Dr, Broomall, PA 19008

Asset Acceptance, LLC, P.O. Box 1630, Warren, MI 48090

Pennsylvania Department of Revenue, 110 N 8th St Ste 204b, Philadelphia, PA 19107

PNC Bank, 300 Fifth Avenue, Pittsburgh, PA 15222

DATE: February 28, 2020

/s/ Karina Velter

Karina Velter, Esquire (94781)

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